

REMARKS

Applicants reply to the Office Action dated October 19, 2006 within the shortened three month statutory period for reply. Claims 1, 3-5, and 39-43 were pending in the application and the Examiner rejects claims 1, 3-5, and 39-43. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Applicants assert that the application is in condition for allowance and reconsideration of the pending claims is requested.

Rejections Under 35 U.S.C. § 112

The Examiner rejects claims 1, 3-5, 39 and 40-43 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserts that, “[t]he claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention” (page 4, item 4).

The Examiner maintains the previous assertion that the Specification as originally filed does not disclose a card reader or inserting a card into a card reader system. Specifically, the Examiner states that, “[a]pplicant is silent as to how the card is inserted into the system (e.g. contactless, docking station, keyboard, or manually entering a card number)” (page 5, paragraph 1). Applicants respectfully disagree.

Applicants’ originally filed Specification discloses that, “[u]ser 110 is then directed by wallet server 140 to insert a Smart Card into the system to verify that the Smart Card is in the user’s 110 possession” (page 10, lines 22-24). Those of ordinary skill would immediately appreciate that Applicant’s use of the term, “insert” in relation to known smart card practices would denote that the smart card is in physical contact with a smart card reader. The very technology of smart cards requires the smart card to interface with a smart reader system via an interface with the smart card chip in order for the card to be recognized and read. Moreover, the original disclosure incorporates by reference, U.S. Application Serial No. 09/653,837, (“Lasch”) that discloses a smart card and a reader system. Specifically, Lasch recites the following:

“In addition to triggering the sensors in ATM machines, translucent card 5 can be used with any magnetic stripe or smart card reader. The reader system can include a card reader/writer, a point-of-sale terminal, ATM or any other acceptance device. In an exemplary embodiment, card 5 is used in conjunction with a reader which, not only detects the existence of the card, but also illuminates the

transparent portion of card 5 when the card is inserted into the reader” (column 11, lines 36-43)

Lasch further discloses that the card can be of any number of varieties, including a smart card (see, for example, claims 2 and 18). The Lasch disclosure is replete with various embodiments and examples of various manners of interfacing cards with card reader systems including, for example, point of sale devices and automated teller machines. Moreover, Lasch itself incorporates by reference, “Smart Cards” by Jose Luis Zoreda and Jose Manuel Oton, 1994 and “Smart Card Handbook” by W. Rankl and W. Effing, 1997, which further disclose smart card and smart card reader technologies.

The Examiner next asserts that Applicants’ originally filed Specification does not disclose receiving a digital certificate or performing any other processing using a digital certificate. However, the Examiner acknowledges that the Specification as originally filed, “does support ‘a smart card that includes a digital certificate that uniquely identifies the card’” (page 2, item 2). Applicants note that in regard to receiving and processing the digital certificate, the Specification discloses the following:

“Smart Card preferably includes a digital certificate that uniquely identifies the card such that digital credentials relating to the transaction may be created as described hereinafter. Upon receipt of the Smart Card information, wallet server 140 communicates with virtual POS gateway 190” (page 10, lines 28-32)

Those of ordinary skill in the art would appreciate that the disclosed “Smart Card information” includes the “digital certificate.” Thus, later reference to the smart card information describes how this information, including the digital certificate, is processed in order to facilitate a “card present” transaction. Moreover, Applicants amend the claims to more clearly recite that the digital certificate uniquely identifies the smart card, as specifically suggested by the Examiner.

In regard to claim 4, the Examiner asserts that the claim has been amended to read on a wallet server as a digital server and that, “the Specification as originally filed teaches a wallet server as a server in the context of the client/server architecture” (page 5, paragraph 4). Applicants respectfully disagree. However, to expedite prosecution, claim 4 has been amended to clarify that the “digital wallet” is a “digital wallet server.”

The Examiner rejects claims 1, 3-5, 39 and 40-43 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

matter that Applicant regards as the invention. Specifically, the Examiner asserts that claims 1, 39, and 40, “recite ‘a digital certificate... configured’, however, to one of ordinary skill a digital certificate is data and not a physical structure, hence it is not configurable” (page 6, paragraph 1). Applicants respectfully disagree.

It is well known in the art that software components can and are routinely “configured.” For example, a well known file type under the Microsoft Windows operating system is the “.conf” or configuration file type. This file defines and configures software applications to run under the current computing environment. The online encyclopedia, Wikipedia defines a configuration file as:

“In computing, configuration files, or config files, are used to configure the initial settings for some computer programs. They are used for user applications, server processes and operating system settings”

(http://en.wikipedia.org/wiki/Configuration_file)

Therefore, those of ordinary skill in the art would appreciate that the term, “configure” is frequently used in relation to computer programming and is not limited to describing a physical structure, as the Examiner contends.

Rejections Under 35 U.S.C. § 103

The Examiner rejects claims 1, 3-5, 39 and 40 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,327,578 issued to Linehan ("Linehan"). Applicants respectfully traverse these rejections. In light of the forgoing amendments, Applicants respectfully request the Examiner to consider the following arguments which were not given weight due to the Examiner's 35 U.S.C. § 112 rejections.

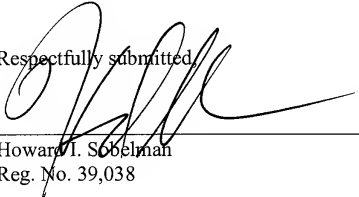
In making the rejection, the Examiner characterizes Linehan as essentially showing each of the elements of claims 1 and 40 in the instance when, by coincidence, a merchant and a user share the same bank or financial institution. The networks disclosed in Linehan send “from a consumer's computer a start message over an internet to a merchant's computer” (Linehan, Column 4, lines 10-12). “The merchant's computer then replies to the consumer's computer with a merchant message including a wallet initiation message, a merchant digital signature, and a digital certificate from an acquiring bank” (Id., lines 12-16). The consumer's wallet program is then started in the consumer's computer in response to the wallet initiation message. “The consumer's computer then sends over the internet network some consumer identity and

authentication information, such as a userid and user password, plus the merchant message, to an issuer gateway operating on behalf of an issuing bank” (Linehan, Column 4, lines 19-23). Thus, in Linehan, a user inputs his/her user ID and user password for identification for authentication purposes. Linehan does not disclose or suggest reading data directly from, or a card reader system physically interfacing with, a debit card, a credit card, a charge card, or a smart card to verify that the consumer is in actual possession of the debit card, credit card, charge card, or smart card. As such, Linehan does not disclose or suggest at least “receiving a digital certificate, read by said card reader system, from said smartcard wherein said smartcard includes said digital certificate configured to uniquely identify said smartcard,” as similarly recited by independent claims 1, 39 and 40.

Claims 3-5 depend from independent claim 1 and include all of the elements thereof. Therefore, Applicants submit that claims 3-5 are differentiated from the cited reference for at least the same reasons as set forth above, as well as in view of their own respective features.

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner’s convenience, if that would help further prosecution of the subject application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814, including any required extension fees.

Respectfully submitted,


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